



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

FEB 06 1997

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Robert K. Scarborough
20 East Clementon Road
Suite 201 South
Gibbsboro, New Jersey 08026

Re: Route 561 Dump Site, Route 561 near Milford/Kresson Road
Gibbsboro, Camden County, New Jersey, and United States
Avenue Burn Site, United States Avenue, Gibbsboro, Camden
County, New Jersey

Request for Information Pursuant to §104 of CERCLA, 42
U.S.C. §9604

Dear Mr. Scarborough:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Route 561 Dump Superfund Site, and the United States Avenue Burn Superfund Site, both in Gibbsboro, NJ ("Sites").

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions within 30 days of your receipt of this letter.

Following a request from the New Jersey Department of Environmental Protection, the EPA has identified hazardous substances, pollutants, or contaminants, at these locations which include, but may not be limited to: arsenic, lead, antimony, barium, cadmium, chromium, copper, and cyanide.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows EPA to

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require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility; the nature or extent of a release of a hazardous substance or pollutant or contaminant at or from a facility; and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

If you have information about other parties who may have information which may assist EPA in its investigation of these Sites or may be responsible for the contamination at these Sites, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment #2 to this document are included in Attachment #1. Your response to this Request for Information should be postmarked or received at EPA within 30 calendar days of your receipt of this letter and should be sent to:

Thomas P. Budroe
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 209 (MS-211)
Edison, New Jersey 08837

with a copy to:

Carl R. Howard, Esq.
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

If you have any questions about this letter, or would like to discuss this matter with EPA, you may contact Thomas P. Budroe, at (908) 906-6191. Inquiries from attorneys should be addressed to Carl R. Howard, Esq. at (212) 637-3216. Your cooperation is appreciated.

Sincerely yours,

John S. Friso

for Richard L. Caspe, Director
Emergency and Remedial Response Division

Enclosures

cc: T. Budroe, EPA-ERRD
M. Wiggett, EPA-ERRD
C. Howard, Esq., EPA-ORC

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
5. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than you may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
8. If anything is omitted from a document produced in response to this Request for Information, state the reason for and the subject matter of the omission.

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9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

B. Definitions

1. As used herein, at this time, the term "Route 561 Dump Site" shall refer to the fenced area enclosing what is currently known as Block 18.07, Lot 9 and portions of Block 14.02, Lot 1 and Block 18.07, Lot 10 in the Borough of Gibbsboro, New Jersey. The term "United States Avenue Burn Site" shall refer to at least eight acres of property identified on the municipal tax map in the borough of Gibbsboro, New Jersey in and around, Block 23, Lot 1 and Block 25, Lot 1. "Sites" will refer to either, or both Route 561 Dump Site and/or the United States Avenue Burn Site.
2. The term "you" or "respondent" shall mean the addressee of this Request for Information.
3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. §9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6903(5), (3) and (33), respectively.
5. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including, the abandonment or discarding of

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barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
8. The term "document" and "documents" includes any written, recorded computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
9. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

REQUEST FOR INFORMATION

1. State your full name, your mailing address, and the Blocks and Lots of all properties which you currently own or owned in the past in Gibbsboro, New Jersey.
2. During a September 19, 1996 telephone conversation, Gordon S. Kuntz, Ph.D., Senior Project Manager for Sherwin-Williams, informed EPA On Scene Coordinator, Thomas P. Budroe, that all the Gibbsboro paint manufacturing facility records and equipment were included and transferred to Robert K. Scarborough in the Sherwin-Williams sale of their Gibbsboro paint manufacturing facility to Robert K. Scarborough.

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A. If in your possession, provide copies of all records obtained in the purchase of the Gibbsboro paint manufacturing facility. If such records are too voluminous to copy, contact Mr. Budroe and arrange for an examination of these records by EPA.

B. If such records are not in your possession, provide a list of all such records which you or your agents may have discarded. If such records may be located elsewhere, provide the names, addresses, phone numbers and other pertinent information relating to the location and custody of such records. Provide any additional information you may have or know of with regard to these records.

3. Provide a list of all equipment included in your purchase of the Gibbsboro paint manufacturing facility.
4. State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, disposal, generation or handling of hazardous substances, hazardous wastes and industrial wastes at the Sites, the transportation of such materials to the Sites, or the identity of any companies whose material may have been treated or disposed of at the Sites.
5. State the name, address, telephone number, title and occupation of each person answering this Request for Information and state whether such person has personal knowledge of the answers. In addition, identify each person who assisted or was consulted in the preparation of this Request for Information.
6. Provide a narrative containing any additional information regarding hazardous substances, hazardous wastes, paint wastes, paint-related wastes, industrial wastes and non-hazardous wastes including trash and deposition of same at the Sites, and the source of your information including how you came to know such information, from whom you received such information, and when you learned of such information.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type) _____

TITLE (print or type) _____

SIGNATURE _____

Sworn to before me this

day of _____, 19__

Notary Public

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

C. H.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Robert K. Scarborough
20 East Clementon Road
Suite 201 South
Gibbsboro, New Jersey 08026

4a. Article Number

Z 237 143 094

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

2.12.97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Robert K. Scarborough

PS Form 3811, December 1994

Domestic Return Receipt

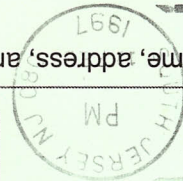
Thank you for using Return Receipt Service.

U.S. Environmental Protection Agency
Region II
Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway, 17th Floor
New York, New York 10007-1866

Attn: Carl Howard, Esq.

● Print your name, address, and ZIP Code in this box ●

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Permit No. G-10



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